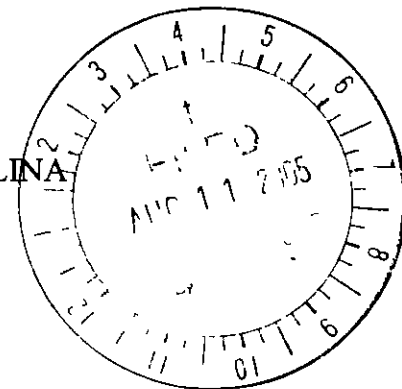


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



GRASS AMERICA, INC ,)

Plaintiff,)

vs)

ADVANCED AFFILIATES, INC ,)

Defendant)

Civil Action No _____

1:05CV00706

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Grass America, Inc ("Grass America") complains against Defendant Advanced Affiliates, Inc ("AAI") as follows

NATURE OF COMPLAINT

1 This is an action for patent infringement arising under the patent laws of the United States, 35 U S C § 1, *et seq* Plaintiff seeks preliminary and permanent injunctive relief and monetary damages against Defendant AAI

PARTIES, JURISDICTION AND VENUE

2 Plaintiff Grass America is a corporation organized and existing under the laws of the State of North Carolina with an address at 1202 Hwy 66 S Kernersville, North Carolina 27284 Grass America is engaged in the business of designing, manufacturing, offering for sale, and selling concealed hinges

3 On information and belief, Defendant AAI is a corporation organized and existing under the laws of the State of New York and having an address at 96-12 43rd

Avenue, Corona, NY 11368 Upon information and belief, AAI has an office in High Point, North Carolina and is engaged in the business of offering for sale and selling concealed hinges in the Middle District of North Carolina and elsewhere in the United States

4 This Court has jurisdiction over the subject matter of this action under 28 U S C §§ 1331 and 1338 Defendant AAI is subject to personal jurisdiction in this Court and venue is proper in this District pursuant to 28 U S C § 1391 and 1400(b)

FACTUAL BACKGROUND

A. The Grass America Business.

5 Grass America is a leading manufacturer of functional hardware including concealed hinges, drawer slides and glides, undermount drawer slides, full extension drawer slides, ready to assemble hardware, and institutional hinges Concealed hinges comprise a substantial portion of Grass America's sales, and Grass America has aggressively pursued patent protection for recent innovations in concealed hinge technology In the concealed hinge market in the United States, Grass America is one of a handful of hardware manufacturers who are competing for the position of "market leader" Any decrease in sales by one company provides a substantial opportunity for their competitors

B. The Patent-In-Suit.

6 U S Patent No 6,170,121 (the "'121 Patent"), issued by the United States Patent Office on January 9, 2001, is entitled "Furniture Hinge Mounting Plate", and names as inventor Georg Domenig A true and correct copy of the '121 Patent is attached hereto as **Exhibit A**

7 In accordance with 35 U S C § 282, the '121 Patent is presumed to be valid

8 Grass America was assigned all right, title and interest in the ‘121 Patent by
the inventor, Mr Domenig, including the right to enforce against others

9 U S Patent No Re 34,995 (the “’995 Patent”), reissued by the United States
Patent Office on July 18, 1995, is entitled “Adjustable Recessed Door Hinge”, and names as
inventor Georg Domenig A true and correct copy of the ‘995 Patent is attached hereto as
Exhibit B

10 In accordance with 35 U S C § 282, the ‘995 Patent is presumed to be valid

11 Grass America was assigned all right, title and interest in the ‘995 Patent by
the inventor, Mr Domenig, including the right to enforce against others

C. Defendant’s Unlawful Activities.

12 Defendant is engaged in the business of using, offering for sale, and selling
concealed hinges, which hinges embody the inventions claimed under the ‘121 Patent and the
‘995 Patent

13 Specifically, within Defendant’s “115° Face Frame Concealed Hinges”
product line, hinges bearing model numbers 1212R, 1212R-WD, 1250, and 1250-WD are
covered by one or more of the claims of the ‘121 Patent and hinges bearing model numbers
1012 and 1012-WD are covered by one or more of the claims of the ‘995 Patent

14 Grass America has not granted to AAI a license or any other right to use, offer
for sale, or sell hinges as described by any claim of either the ‘121 Patent or the ‘995 Patent

COUNT ONE
PATENT INFRINGEMENT

15 Plaintiff incorporates by reference and repeat the averments set forth in paragraphs 1 through 14 as if fully set forth herein

16 AAI has directly infringed upon the '121 Patent and the '995 Patent by using, selling and offering for sale products which embody the inventions claimed under the '121 Patent and the '995 Patent

17 Grass America's reputation as a leader in the manufacture of hinges such as those described in the '121 and '995 Patents will be irreparably harmed by the use, offer for sale, and sale of the infringing products of Defendant

18 The continued use, offer for sale, or sale by Defendant, its distributors or affiliates of the infringing hinges will cause erosion of Grass America's market share which cannot be recaptured due to market conditions and cannot be adequately compensated by money damages

19 AAI's infringing actions have irreparably injured and will continue irreparably to injure and damage Plaintiff Grass America

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Grass America, Inc prays for relief as follows

1 A preliminary and permanent injunction preventing Defendant Advanced Affiliates, Inc , its officers, agents, servants, subcontractors, suppliers, employees, distributors, dealers and all other persons acting in concert or participation with it or them or

controlled by it or them from further acts of infringement, either direct, contributory or by active inducement

2 An award of damages, together with interest and costs, to compensate Plaintiff for the infringement by the Defendant, including Grass America's lost profits, damage to reputation and the total profit obtained by Defendant as required under 35 U S C §§ 284, 289 and 15 U S C § 1117, any monetary award to be increased three times the amount found or assessed in accordance with Title 35 and Title 15 of the United States Code,

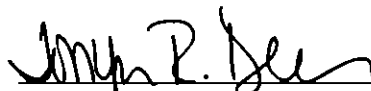
3 An award of reasonable attorneys' fees incurred by Plaintiff, as provided in 35 U S C § 285, and

4 Such other and further relief as may be permitted by law.

DEMAND FOR JURY TRIAL

Plaintiff herein make its demand for trial by jury of all issues in this action pursuant to Rules 28 and 39 of the Federal Rules of Civil Procedure

This the 11th day of August 2005



Tonya R Deem
N C State Bar No 23075
Todd W Galinski
N C State Bar No 27838

Attorneys for Plaintiff Grass America, Inc

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone (336) 607-7300
Facsimile (336) 607-7500

02203-271163
WINLIB01 1139997 1